

## TWELFTH DAY—MONDAY, FEBRUARY 1, 1971

The House met at 11:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Davis, H.	Jones, E.	Reed
Adams	Denton	Jones, G.	Rosson
Agnich	Doran	Jungmichel	Salem
Allen, Joe	Doyle	Kaster	Salter
Allen, John	Dramberger	Kilpatrick	Sanchez
Allred	Earthman	Kost	Santiesteban
Angly	Farenthold	Kubiak	Schulle
Atwell	Finck	Lee	Semos
Atwood	Finnell	Lemmon	Shannon
Baker	Finnery	Lewis	Short
Bass, B.	Floyd	Lombardino	Silber
Bass, T.	Foreman	Longoria	Simmons
Beckham	Gammage	Lovell	Slack
Bigham	Garcia	McAlister	Slider
Blanton	Golman	McKissack	Smith
Blythe	Grant	Mengden	Solomon
Bowers	Graves	Moncrief	Spurlock
Boyle	Hale	Moore, A.	Stewart
Braecklein	Hanna, Joe	Moore, T.	Stroud
Braun	Hannah, John	Moreno	Swanson
Burgess	Harding	Murray	Tarbox
Bynum	Harris	Nabers	Traeger
Caldwell	Hawkins	Nelms	Truan
Calhoun	Hawn	Neugent, D.	Tupper
Carrillo	Haynes	Newton	Uher
Cates	Head	Nichols	Vale
Cavness	Heatly	Niland	Von Dohlen
Christian	Hendricks	Nugent, J.	Ward
Clark	Hilliard	Ogg	Wayne
Clayton	Holmes, T.	Orr	Wieting
Coats	Holmes, Z.	Parker, W.	Williams
Cobb	Howard	Patterson	Williamson
Cole	Hubenak	Pickens	Wolff
Craddick	Hull	Poerner	Wyatt
Cruz	Ingram	Poff	
Daniel	Johnson	Presnal	
Davis, D.	Jones, D.	Price	

Absent

Ligarde

Absent-Excused

Moore, G.	Parker, C.	Rodriguez	Sherman
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A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey, as follows:

"In the Book of Psalms we find these words:

"Blessed is that man that maketh the Lord his trust, and respecteth not the proud, nor such as turn aside to lies. Many, O Lord my God, are Thy wonderful works which Thou hast done, and Thy thoughts which are to us-ward: they cannot be reckoned up in order unto Thee if I would declare and speak of them, they are more than can be numbered.'

"Our Heavenly Father: Knowing that Thou art concerned for all the people of the earth, we are overwhelmed by the knowledge that Thou art concerned about each of us here as if we were an only child.

"Help the Members of this Legislature keep in their minds and hearts the citizens of Texas for whom they legislate.

"Give each one courage in the force of pressure groups, the constant clamor for their favor and vote. Amid all the clamor and confusion help us to listen to Thy voice and do Thy bidding which will insure that all the people will be served fairly and all groups will get what they deserve.

"For Jesus' sake we pray. Amen."

#### MEMBERS OF APPROPRIATIONS COMMITTEE RECORDED PRESENT

In accordance with a motion adopted on January 25, the following Members of the Appropriations Committee were recorded present and in the Appropriations Committee meeting: Representatives Heatly, Slack, John Allen, Braecklein, Carrillo, Cobb, H. Davis, Doran, Haynes, Hull, Johnson, Longoria, W. Parker, Presnal, Salter, Santiesteban, Slider, Swanson, Tarbox, Ward, and Wolff.

#### LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for today on account of state business:

Mr. Sherman on motion of Mr. Shannon.

Mr. Carl Parker on motion of Mr. Doyle.

The following Member was granted leave of absence temporarily for today on account of important business:

Mr. Griffith Moore on motion of Mr. Braecklein.

The following Member was granted leave of absence temporarily for today on account of illness:

Mr. Rodriguez on motion of Mr. Longoria.

#### MESSAGE FROM THE SENATE

Austin, Texas, February 1, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SB 23, By McKool: Relating to the assembling, compilation, and preservation in a central location of certain records pertaining to elections.

SCR 11, By Harrington: Providing for a committee of five (5) to appoint and designate some outstanding and recognized poet who is a citizen of Texas, who shall be Poet Laureate of the State of Texas.

SCR 12, By Herring: Honoring Howard P. Steinle on his retirement.

SCR 13, By Herring: Providing for a Joint Session of the Texas Legislature to honor the wives and families of the Texas prisoners of war in Southeast Asia.

SB 110, By Bernal, et al: Relating to the period for voter registration for the 1971 and 1972 voting years; amending the Texas Election Code by adding Section 43c, providing for a supplemental registration period; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

(Mr. John Allen occupied the Chair temporarily)

(Speaker in the Chair)

HSR 64—ADOPTED

(Congratulating Representative Zan Wesley Holmes, Jr., on his birthday)

Mr. Graves offered the following resolution:

HSR 64

Whereas, Our esteemed colleague, Representative Zan Wesley Holmes, Jr., of Dallas, Dallas County, Texas, is celebrating his 36th birthday on this first day of February; and

Whereas, Representative Holmes, who is serving his second full term in the Texas Legislature, became known soon after his arrival in our State Capitol for his forthright stand for the rights of all of the people of our state, for his sincere friendliness, and for his eternal smile; and

Whereas, There are other qualities which have led Representative Holmes' fellow House Members to respect and admire him: a sincere belief in government by the people; a dedication to the needs of both his constituents in Dallas and all the citizens of Texas; and "

Whereas, He holds four degrees, including the Bachelor of Arts in Social Sciences, Bachelor of Divinity, Master of Sacred Theology and Doctor of Divinity; and

Whereas, He served as number one ball carrier for the East, in the biennial House of Representatives East-West game and showed that he had many talents. He not only passed, ran for touchdowns, and tackled, but he double-

dribbled, hurled, backstroked, ran home runs, putted and smashed better than Jackie Robinson, Bob Hayes, Arnold Palmer, Arthur Ash or Esther Williams; and

Whereas, He has become so bourgeois and eats so "high on the hog" that he eats his chittlings with chop sticks; and

Whereas, The suave, singing, rambling preacher is one of us; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature congratulate Representative Zan Wesley Holmes, Jr., on his birthday, February 1st, and extend best wishes to his family as they share in the celebration of this happy occasion; and, be it further

Resolved, That a copy of this Resolution be prepared for the Honorable Zan Wesley Holmes, Jr., as a token of the appreciation and high regard of his friends and colleagues in the House of Representatives of the 62nd Legislature.

Signed: Graves and Reed.

The resolution was read and unanimously adopted.

On motion of Mr. Reed the names of all the Members of the House were added to the resolution as signers thereof.

#### CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HCR 21, by Moncrief, Sherman, Finney, Hilliard, Spurlock, Shannon, Lewis, and Hull: Commending Cato Sells Hightower.

HSR 62, by Cavness: Expressing appreciation to Governor John Bell Williams of Mississippi.

On motion of Mr. Cavness the names of all the Members of the House were added to HSR 62 as signers thereof.

HSR 63, by John Allen: Congratulating R. E. Henry.

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Representatives Ligarde and Griffith Moore entered the House and were announced present.

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#### HSR 53—ADOPTED

The Speaker laid before the House the following resolution on committee report:

HSR 53, Granting the Boy Scouts permission to use the Hall of the House on February 6, 1971.

The resolution was adopted.

## HCR 18—ADOPTED

The Speaker laid before the House the following resolution on committee report:

HCR 18, Inviting Jerry Rangel to address a Joint Session of the Texas Legislature.

The resolution was adopted.

On motion of Mr. Floyd the names of all the Members of the House were added to the resolution as signers thereof.

## RELATIVE TO BILLS AND RESOLUTIONS ON FIRST READING

By unanimous consent, the reading of bills and resolutions on first reading and referral to committees was delayed until the business on the Calendar was considered.

## HJR 21 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HJR 21, A Joint Resolution proposing an Amendment to Article XVII, Section 1, of the Texas Constitution, to alter the procedure for amending the Constitution.

The resolution was read second time.

Mr. Atwood offered Committee Amendment No. 1 to HJR 21.

By unanimous consent, Committee Amendment No. 1 was withdrawn.

Mr. Price offered the following amendment to HJR 21:

Amend HJR 21 by adding the phrase "May 18, 1971" on line 35 in place of the blank line on said line 35.

The amendment was adopted without objection.

Mr. Grant Jones offered the following amendment to HJR 21:

Amend HJR 21, Section 1, by adding the following after the period on line 32, First Printing:

and, in the same manner, the Legislature may propose a revision of all or part of this Constitution, which proposal may deal with more than one subject and be voted upon as one question. Where one question proposes a revision of more than one part of this Constitution, all of the revisions must be germane to the principal proposition.

Mr. Moreno raised a point of order against further consideration of the above amendment on the grounds that the amendment is not germane to the resolution.

The Speaker sustained the point of order.

Mr. Blythe offered the following amendment to HJR 21:

Amend HJR 21 in Article XVII, Section 1, by striking the word "weekly" on line 18 and adding daily and after the word newspaper on same line add "where one exist or a weekly newspaper in lieu thereof."

Mr. Price raised a point of order against further consideration of the above amendment on the grounds that the amendment is vague and indefinite.

The Speaker sustained the point of order.

Mr. Blythe offered the following amendment to HJR 21:

Amend Second Printing, HJR 21, in Article XVII, Section 1, by striking the word "weekly" on line 18 and adding daily and after the word newspaper on same line add "where one exist or a weekly newspaper in lieu thereof."

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Representative Rodriguez entered the House and was announced present.

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HJR 21—(Consideration continued)

Mr. Price moved to table the amendment by Mr. Blythe.

A record vote was requested.

The motion to table the amendment by Mr. Blythe prevailed by the following vote:

Yeas—180

Adams	Christian	Foreman	Ingram
Agnich	Clark	Garcia	Johnson
Allen, John	Clayton	Golman	Jones, D.
Angly	Coats	Grant	Jones, G.
Atwell	Cobb	Graves	Jungmichel
Atwood	Cole	Hale	Kaster
Baker	Craddick	Hanna, Joe	Kilpatrick
Beckham	Cruz	Hannah, John	Kost
Bigham	Daniel	Harding	Kubiak
Blanton	Davis, D.	Hawkins	Lemmon
Boyle	Davis, H.	Hawn	Lewis
Braecklein	Denton	Haynes	Ligarde
Braun	Doran	Heatly	Lombardino
Burgess	Doyle	Hendricks	Longoria
Bynum	Dramberger	Hilliard	Lovell
Caldwell	Farenthold	Holmes, T.	McAlister
Calhoun	Finck	Holmes, Z.	McKissack
Carrillo	Finnell	Howard	Moncrief
Cates	Finney	Hubenak	Moore, A.
Cavness	Floyd	Hull	Moore, G.

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Moore, T.	Poerner	Short	Truan
Murray	Poff	Silber	Tupper
Nabers	Presnal	Simmons	Uher
Nelms	Price	Slack	Vale
Neugent, D.	Reed	Slider	Von Dohlen
Newton	Rosson	Solomon	Ward
Niland	Salem	Spurlock	Wayne
Nugent, J.	Salter	Stewart	Wieting
Ogg	Sanchez	Stroud	Williams
Orr	Santiesteban	Swanson	Williamson
Parker, W.	Schulle	Tarbox	Wolff
Patterson	Semos	Traeger	Wyatt
Pickens	Shannon		

## Nays—15

Allen, Joe	Bowers	Head	Moreno
Allred	Earthman	Jones, E.	Nichols
Bass, T.	Gammage	Lee	Rodriguez
Blythe	Harris	Mengden	

## Absent

Bass, B.	Smith
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## Absent-Excused

Parker, C.	Sherman
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Mr. Hawkins offered the following amendment to HJR 21:

Amend HJR 21 by inserting at Line 14 of page one of the Second Printing of said resolution after the word "Constitution," the following:

"provided the Governor has included the proposed Constitutional Amendment within his call of the Special Session or adds the proposal to amend the Constitution during said Special Session."

Mr. Price moved to table the above amendment.

A record vote was requested.

The motion to table the amendment by Mr. Hawkins prevailed by the following vote:

## Yeas—112

Adams	Braecklein	Clayton	Dramberger
Allen, John	Burgess	Coats	Earthman
Angly	Bynum	Cobb	Finck
Atwell	Caldwell	Cole	Finney
Atwood	Calhoun	Craddick	Floyd
Bass, T.	Carrillo	Cruz	Foreman
Blanton	Cates	Davis, D.	Garcia
Blythe	Cavness	Davis, H.	Golman
Bowers	Christian	Doran	Grant
Boyle	Clark	Doyle	Hale

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Hanna, Joe	Kilpatrick	Nugent, J.	Short
Hawn	Kost	Ogg	Silber
Haynes	Lemmon	Orr	Simmons
Heatly	Lewis	Parker, W.	Slack
Hendricks	Ligarde	Patterson	Slider
Hilliard	Lombardino	Pickens	Solomon
Holmes, T.	Longoria	Poerner	Stewart
Holmes, Z.	McAlister	Poff	Stroud
Howard	McKissack	Presnal	Swanson
Hubenak	Moncrief	Price	Traeger
Hull	Moore, A.	Reed	Truan
Ingram	Moore, G.	Rosson	Uher
Johnson	Murray	Salem	Vale
Jones, D.	Nabers	Sanchez	Von Dohlen
Jones, E.	Nelms	Santiesteban	Wayne
Jones, G.	Neugent, D.	Schulle	Wieting
Jungmichel	Newton	Semos	Wolff
Kaster	Niland	Shannon	Wyatt

## Nays—33

Agnich	Denton	Kubiak	Spurlock
Allen, Joe	Farenthold	Lee	Tarbox
Allred	Finnell	Lovell	Tupper
Baker	Gammage	Mengden	Ward
Bass, B.	Graves	Moore, T.	Williams
Beckham	Hannah, John	Moreno	Williamson
Bigham	Harris	Nichols	
Braun	Hawkins	Rodriguez	
Daniel	Head	Salter	

## Absent

Harding              Smith

## Absent-Excused

Parker, C.              Sherman

Mr. Lemmon offered the following amendment to HJR 21:

Amend Second Printing, HJR 21, by Price:

Amend line 18 by adding the words "or daily" after the word "weekly".

Mr. Price moved to table the above amendment.

The motion to table the amendment by Mr. Lemmon prevailed.

Mr. Spurlock offered the following amendment to HJR 21:

Amend HJR 21 by adding the words: "subject to the provisions of Article III, Section 40 of the Constitution," after the word "Legislature" on line 15, page 1.

Mr. Price moved to table the above amendment.



The motion to table the amendment by Mr. Spurlock prevailed.

Mr. Lemmon offered the following amendment to HJR 21:

Amend Second Printing of HJR 21 by Price:

Amend line 18 by deleting the word "weekly."

Mr. Price moved to table the above amendment.

The motion to table the amendment by Mr. Lemmon prevailed.

HJR 21, as amended, was passed by the following vote:

**Yeas—133**

Adams	Doran	Jungmichel	Presnal
Allen, Joe	Doyle	Kaster	Price
Angly	Dramberger	Kilpatrick	Reed
Atwell	Earthman	Kost	Rosson
Atwood	Finck	Kubiak	Salem
Baker	Finnell	Lee	Sanchez
Bass, B.	Finney	Lemmon	Santiesteban
Bass, T.	Floyd	Lewis	Schulle
Beckham	Foreman	Ligarde	Semos
Bigham	Gammage	Lombardino	Shannon
Blanton	Garcia	Longoria	Short
Bowers	Golman	Lovell	Silber
Boyle	Grant	McAlister	Simmons
Braecklein	Graves	McKissack	Slack
Braun	Hale	Moncrief	Slider
Burgess	Hanna, Joe	Moore, A.	Solomon
Bynum	Hannah, John	Moore, G.	Spurlock
Caldwell	Harding	Moreno	Stewart
Calhoun	Hawn	Murray	Stroud
Carrillo	Haynes	Nabers	Swanson
Cates	Heatly	Nelms	Tarbox
Cavness	Hendricks	Neugent, D.	Traeger
Christian	Hilliard	Newton	Truan
Clark	Holmes, T.	Nichols	Tupper
Clayton	Holmes, Z.	Niland	Uher
Coats	Howard	Nugent, J.	Vale
Cobb	Hubenak	Ogg	Von Dohlen
Cole	Hull	Orr	Ward
Craddick	Ingram	Parker, W.	Wayne
Cruz	Johnson	Patterson	Wieting
Daniel	Jones, D.	Pickens	Williams
Davis, D.	Jones, E.	Poerner	Wolff
Davis, H.	Jones, G.	Poff	Wyatt
Denton			

**Nays—13**

Agnich	Farenthold	Mengden	Williamson
Allen, John	Harris	Moore, T.	
Allred	Hawkins	Rodriguez	
Blythe	Head	Salter	

Absent

Smith

Absent-Excused

Parker, C. Sherman

Mr. Cole moved to reconsider the vote by which HJR 21 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE ON HJR 21

I voted against this resolution because, with this procedure a Constitutional Amendment if voted down in a statewide election, can be re-submitted to the people again, and again and again.

If the taxpayers turn down a Constitutional Amendment they should not be harassed by powerful special interests who can force additional statewide elections at tremendous cost. Not only is this wasteful of hard-earned tax money, but it is not right or just to use the taxpayer's money to force them to vote again, and again, and again on projects they have shown they do not want or support.

This resolution is seen by me more and more visibly to be a resolution to weaken the people's control over government, be it ever so slowly, with dignity and restraint.

Signed: Walter Mengden

MESSAGE FROM THE SENATE

Austin, Texas, February 1, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 20, By Graves, et al: In memory of Julius C. Carter.

Respectfully,  
CHARLES H. SCHNABEL  
Secretary of the Senate

RECESS

Mr. Traeger moved to recess until 2:30 p.m. today.

The motion prevailed without objection.

The House accordingly, at 12:55 p.m., recessed until 2:30 p.m. today.

## AFTERNOON SESSION

The House met at 2:30 p.m. and was called to order by the Speaker.

## HJR 19 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HJR 19, A Joint Resolution proposing an Amendment to Article III, Sections 2 and 25, of the Texas Constitution, to provide for an increase in the membership of the State Senate from 31 to 39 members; to fix the membership in the House of Representatives at 150 members; to require apportionment of the Senate according to population; and to delete the limitation that no single county is entitled to more than one Senator.

The resolution was read second time.

Mr. Hale offered the following amendment to HJR 19:

Amend HJR 19 by adding a new Section 2, and renumber subsequent sections, such new Section 2 to read as follows:

Section 2. That Article III, Secs. 6 and 7, of the Texas Constitution be amended to read respectively as follows:

"Sec. 6. No person shall be a Senator, unless he be a citizen of the United States, and, at the time of his election, a qualified elector of this state, and shall have been a resident of this state, for five years next preceding his election, the last year thereof a resident within any county which is included, in whole or in part, within the district for which he shall be chosen, and shall have attained the age of twenty-six years."

"Sec. 7. No person shall be a Representative, unless he be a citizen of the United States, and, at the time of his election, a qualified elector of this state, and shall have been a resident of this state for two years next preceding his election, the last year thereof a resident within any county which is included, in whole or in part, within the district for which he shall be chosen, and shall have attained the age of twenty-one years."

Mr. Doran raised a point of order on further consideration of the amendment by Mr. Hale on the grounds that the amendment is not germane to the resolution.

The Speaker sustained the point of order stating that the resolution addresses itself to increasing the number of Senators, while the amendment addresses itself to residence requirements of Members of the House of Representatives and the Senate, and the amendment refers to different sections of the Constitution than the sections being amended by the resolution.

Mr. Delwin Jones offered the following amendment to HJR 19:

Amend Section 2 of HJR 19 by substituting "May 18, 1971," for "on the first Tuesday following the first Monday in November, 1972" on lines 30 and 31, page 1.

(Mr. Hale occupied the Chair temporarily)

(Speaker in the Chair)

The above amendment was adopted without objection.

HJR 19, as amended, was passed to engrossment by the following vote:

Yeas—80

Adams	Doyle	Lemmon	Rosson
Allen, John	Finnell	Lewis	Salter
Atwell	Floyd	Ligarde	Sanchez
Atwood	Garcia	Lombardino	Schulle
Baker	Golman	Longoria	Shannon
Bass, T.	Grant	McAlister	Short
Blanton	Hale	McKissack	Slack
Braecklein	Hanna, Joe	Moncrief	Slider
Burgess	Harding	Moore, A.	Smith
Bynum	Hawkins	Moore, G.	Solomon
Calhoun	Hawn	Nabers	Spurlock
Carrillo	Heatly	Newton	Swanson
Cates	Holmes, T.	Nugent, J.	Tarbox
Cavness	Ingram	Ogg	Traeger
Clayton	Johnson	Orr	Uher
Cobb	Jones, D.	Parker, W.	Ward
Cole	Jones, G.	Pickens	Wayne
Cruz	Jungmichel	Poerner	Wieting
Davis, D.	Kilpatrick	Poff	Williamson
Doran	Kost	Presnal	Wolff

Nays—67

Agnich	Davis, H.	Howard	Price
Allen, Joe	Denton	Hubenak	Reed
Allred	Dramberger	Hull	Rodriguez
Angly	Earthman	Jones, E.	Salem
Bass, B.	Farenthold	Kaster	Santiesteban
Beckham	Finck	Kubiak	Semos
Bigham	Finney	Lee	Silber
Blythe	Foreman	Lovell	Simmons
Bowers	Gammage	Mengden	Stewart
Boyle	Graves	Moore, T.	Stroud
Braun	Hannah, John	Moreno	Truan
Caldwell	Harris	Murray	Tupper
Christian	Haynes	Nelms	Vale
Clark	Head	Neugent, D.	Von Dohlen
Coats	Hendricks	Nichols	Williams
Craddick	Hilliard	Niland	Wyatt
Daniel	Holmes, Z.	Patterson	

Absent-Excused

Parker, C.                      Sherman

HJR 18 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HJR 18, A Joint Resolution proposing an Amendment to Article III, Section 24, of the Texas Constitution, to establish a commission to set rules of ethics for legislators and state officers and employees and to prescribe compensation for legislators.

The resolution was read second time.

Mr. Jim Nugent offered the following amendment to HJR 18:

Amend HJR 18 by striking all below the enacting clause and substituting the following:

Section 1. That Article III, Section 24, of the Texas Constitution, be amended to read as follows:

"Section 24. (1) The State Ethics Commission is created as an agency of the state. The commission consists of four ex officio members, two of whom are members of the House of Representatives, and two of whom are members of the Senate, and 11 residents of the state who are not serving as officers or employees of the state. Four (4) members shall be appointed by the Governor without the advice and consent of the Senate, two (2) of whom shall be members of the same political party as the Governor, and two (2) of whom shall be members of the party receiving the second highest number of votes in the last gubernatorial election. The four (4) ex officio members shall be appointed by the Governor without the advice and consent of the Senate. Seven (7) members shall be appointed by the Chief Justice of the Texas Supreme Court, which members shall be selected from throughout the state. The first five (5) members initially appointed by the Chief Justice shall receive four (4) year terms. All other initial appointees shall hold two (2) year terms. Terms of all members shall begin on December 1, 1971. The members of the commission shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

"(2) The commission shall promulgate Rules of Ethics to govern the conduct of members and employees of any office, department, commission or board established by or under the authority of the Constitution and laws of the State of Texas.

"(3) The commission shall recommend the compensation, per diem, and mileage of members of the Legislature, and may recommend the salary of the Speaker of the House of Representatives and the Lieutenant Governor at an amount higher than that set for other members notwithstanding any provisions to the contrary of Article IV, Section 17, of the Texas Constitution.

"(4) The commission shall meet at least once each two years prior to the convening of the regular session of the Legislature to review existing rules, compensation rates, mileage and per diem rates, and to make recommendations for any changes deemed necessary.

"(5) All rules of ethics, compensation rates, mileage or per diem rates currently in force, as well as all changes and recommendations by the commission shall be proclaimed before the convening of each regular session of the Legislature and a certified copy of the proclamation shall be filed with the Secretary of State. All rules of ethics or changes or recommenda-

tions made by the commission shall take effect on the 31st day of the regular session following the proclamation unless all are disapproved before that day, by resolution of either House. All rates of compensation, mileage, or per diem rates and all changes and recommendations made by the commission thereof shall not take effect until approved, in their entirety, by resolution of both Houses.

"(6) The commission shall investigate any alleged violation of any rules of ethics promulgated by it and report its findings to the appropriate state agency, official, or legislative body.

"(7) Until otherwise provided under this section, each member of the Legislature shall receive from the public treasury an annual salary of \$4,800 per year and per diem not exceeding \$12 per day for the first 120 days only of each regular session and for 30 days of each special session of the Legislature. No regular session shall be of longer duration than 140 days. In addition to the per diem, the members of each house shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed \$2.50 for every 25 miles, the distance to be computed by the nearest and most direct route of travel, from a table of distances prepared by the Comptroller to each county seat now or hereafter to be established; no member to be entitled to mileage for any extra session that may be called within one day after the adjournment of the regular or called session.

"(8) Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such Acts shall not be void because of their anticipatory nature."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the 18th day of May, 1971, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to create a State Ethics Commission empowered to set rules of ethics for members of the legislature, and state officers and employees, to investigate violations thereof, and to recommend compensation for members of the legislature and the Lieutenant Governor."

(Mr. Solomon occupied the Chair temporarily)

(Speaker in the Chair)

Mr. Braun offered the following amendment to the Jim Nugent amendment:

Amend the Nugent amendment to HJR 18, Sec. 1 (Sec. 24(3)) of the bill by adding the words "allowance for expenses" after the words "per diem."

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table the amendment by Mr. Braun prevailed by the following vote:

## Yeas—99

Adams	Dramberger	Lemmon	Schulle
Agnich	Finck	Lombardino	Semos
Allen, John	Finnell	Longoria	Shannon
Angly	Finney	Lovell	Short
Atwell	Floyd	McAlister	Silber
Atwood	Foreman	McKissack	Simmons
Baker	Garcia	Moncrief	Slack
Bass, T.	Golman	Moore, A.	Slider
Blanton	Grant	Moore, G.	Smith
Boyle	Hanna, Joe	Murray	Solomon
Braecklein	Harding	Nabers	Spurlock
Burgess	Hawn	Neugent, D.	Stroud
Bynum	Haynes	Newton	Swanson
Calhoun	Heatly	Niland	Tarbox
Cates	Hendricks	Nugent, J.	Traeger
Cavness	Hilliard	Orr	Tupper
Christian	Holmes, T.	Parker, W.	Uher
Clayton	Howard	Pickens	Von Dohlen
Cobb	Hubenak	Poerner	Ward
Cole	Hull	Poff	Wayne
Craddick	Ingram	Presnal	Wieting
Davis, D.	Jones, D.	Price	Williamson
Davis, H.	Jones, G.	Salter	Wolff
Doran	Jungmichel	Sanchez	Wyatt
Doyle	Kost	Santiesteban	

## Nays—47

Allen, Joe	Cruz	Holmes, Z.	Nelms
Allred	Daniel	Johnson	Nichols
Bass, B.	Denton	Jones, E.	Patterson
Beckham	Earthman	Kaster	Reed
Bigham	Farenthold	Kilpatrick	Rodriguez
Blythe	Gammage	Kubiak	Rosson
Bowers	Graves	Lee	Salem
Braun	Hale	Lewis	Stewart
Caldwell	Hannah, John	Ligarde	Truan
Carrillo	Harris	Mengden	Vale
Clark	Hawkins	Moore, T.	Williams
Coats	Head	Moreno	

## Absent

## Ogg

## Absent-Excused

Parker, C.                      Sherman

## MESSAGE FROM THE SENATE

Austin, Texas, February 1, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SB 107, By Aikin, Kennard, Bridges: Reappropriating unexpended balances and authorizing the transfer of funds; and declaring an emergency.

SB 108, By Aikin: Changing language in HB 2, 61st Legislature, 2nd Called Session, 1969, Item No. 6 of the appropriation to the Commission on Law Enforcement Officer Standards and Education; and declaring an emergency.

SCR 14, By Moore and Herring: In memory of Harry B. Crozier.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

#### HJR 18—(Consideration continued)

Mr. Kubiak offered the following amendment to the Jim Nugent amendment:

Amend Nugent Amendment Sec. 1 (Section 24(1)) by striking out the word "without" wherever it appears after the word "Governor" and insert the word "with".

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table the amendment by Mr. Kubiak prevailed by the following vote:

#### Yeas—112

Adams	Cobb	Holmes, T.	Mengden
Agnich	Cole	Howard	Moncrief
Allen, John	Craddick	Hubenak	Moore, A.
Angly	Davis, D.	Hull	Moore, G.
Atwell	Davis, H.	Ingram	Murray
Baker	Doran	Johnson	Nabers
Bass, T.	Dramberger	Jones, D.	Nelms
Blanton	Finck	Jones, E.	Neugent, D.
Blythe	Finnell	Jones, G.	Newton
Bowers	Finney	Jungmichel	Niland
Boyle	Floyd	Kaster	Nugent, J.
Braecklein	Foreman	Kilpatrick	Ogg
Burgess	Garcia	Kost	Orr
Bynum	Golman	Lee	Parker, W.
Caldwell	Hale	Lemmon	Patterson
Calhoun	Hanna, Joe	Lewis	Pickens
Carrillo	Harding	Ligarde	Poerner
Cates	Hawn	Lombardino	Poff
Cavness	Haynes	Longoria	Presnal
Christian	Heatly	Lovell	Price
Clayton	Hendricks	McAlister	Salter
Coats	Hilliard	McKissack	Sanchez



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Santiesteban	Slack	Tarbox	Ward
Schulle	Slider	Traeger	Wayne
Semos	Solomon	Tupper	Wieting
Shannon	Spurlock	Uher	Williamson
Short	Stewart	Vale	Wolff
Simmons	Swanson	Von Dohlen	Wyatt

**Nays—34**

Allen, Joe	Daniel	Harris	Rodriguez
Allred	Denton	Hawkins	Rosson
Atwood	Doyle	Head	Salem
Bass, B.	Earthman	Holmes, Z.	Silber
Beckham	Farenthold	Kubiak	Stroud
Bigham	Gammage	Moore, T.	Truan
Braun	Grant	Moreno	Williams
Clark	Graves	Nichols	
Cruz	Hannah, John	Reed	

**Absent**

Smith

**Absent-Excused**

Parker, C.                  Sherman

Mr. Edmund Jones offered the following amendment to the Jim Nugent amendment:

Amend Nugent substitute to HJR 18, Sec. 24:

(3) The commission shall recommend the per diem and mileage of members of the Legislature.

Delete the remainder of this subsection (3).

Signed: E. Jones and Craddick

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table the amendment by Mr. Edmund Jones prevailed by the following vote:

**Yeas—118**

Adams	Braecklein	Clayton	Dramberger
Allen, John	Braun	Coats	Finck
Atwell	Burgess	Cobb	Finnell
Atwood	Bynum	Cole	Finney
Baker	Calhoun	Cruz	Floyd
Bass, T.	Carrillo	Davis, D.	Foreman
Bigham	Cates	Davis, H.	Gammage
Blanton	Cavness	Doran	Garcia
Boyle	Clark	Doyle	Golman

Grant	Kost	Orr	Slack
Graves	Lemmon	Parker, W.	Slider
Hale	Lewis	Pickens	Smith
Hanna, Joe	Ligarde	Poerner	Solomon
Harding	Lombardino	Poff	Spurlock
Harris	Longoria	Presnal	Stewart
Hawn	Lovell	Price	Stroud
Haynes	McAlister	Reed	Swanson
Heatly	McKissack	Rodriguez	Traeger
Hendricks	Moncrief	Rosson	Tupper
Hilliard	Moore, A.	Salem	Uher
Holmes, T.	Moore, G.	Salter	Vale
Hubenak	Moreno	Sanchez	Von Dohlen
Hull	Murray	Santiesteban	Ward
Ingram	Nabers	Schulle	Wayne
Johnson	Nelms	Semos	Wieting
Jones, D.	Neugent, D.	Shannon	Williams
Jones, G.	Newton	Short	Williamson
Jungmichel	Niland	Silber	Wolff
Kaster	Nugent, J.	Simmons	Wyatt
Kilpatrick	Ogg		

## Nays—29

Agnich	Caldwell	Hawkins	Moore, T.
Allen, Joe	Christian	Head	Nichols
Allred	Craddick	Holmes, Z.	Patterson
Angly	Daniel	Howard	Tarbox
Bass, B.	Denton	Jones, E.	Truan
Beckham	Earthman	Kubiak	
Blythe	Farenthold	Lee	
Bowers	Hannah, John	Mengden	

## Absent-Excused

Parker, C.      Sherman

Mr. Hale offered the following amendment to the Jim Nugent amendment:

Amend Nugent amendment to HJR 18, in quoted Subsection (5), by adding words "in whole or in part" immediately preceding the phrase "by resolution of either House" and by deleting the words "all are" following word "unless" and preceding word "disapproved."

The amendment was adopted.

Mr. Tom Moore offered the following amendment to the Jim Nugent amendment:

Amend Nugent amendment to HJR 18 by adding a new subsection to be known as subsection 8 and reading as follows:

"The commission shall set out the procedures for all elected and appointed state officials by which they shall fully disclose all of their respective financial holdings and sources of income to the Secretary of State not later than the thirty-first day of the Regular Session of the Legislature."

And renumber the present subsection 8 as subsection 9.

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table the amendment by Mr. Tom Moore prevailed by the following vote:

**Yeas—83**

Adams	Finck	Lombardino	Sanchez
Agnich	Finnell	Longoria	Schulle
Atwell	Finney	McAlister	Shannon
Atwood	Floyd	McKissack	Short
Baker	Garcia	Moncrief	Silber
Bass, T.	Golman	Moore, A.	Simmons
Blanton	Hale	Moore, G.	Slack
Boyle	Hanna, Joe	Murray	Slider
Braecklein	Harding	Nabers	Solomon
Burgess	Hawn	Neugent, D.	Spurlock
Calhoun	Heatly	Newton	Stroud
Carrillo	Hilliard	Niland	Swanson
Cavness	Holmes, T.	Nugent, J.	Tarbox
Christian	Hubenak	Ogg	Tupper
Clayton	Hull	Parker, W.	Uher
Coats	Ingram	Pickens	Von Dohlen
Cobb	Jones, D.	Poerner	Wayne
Cruz	Jones, G.	Presnal	Wieting
Doran	Jungmichel	Price	Williams
Doyle	Kost	Rosson	Wyatt
Dramberger	Lemmon	Salter	

**Nays—59**

Allen, Joe	Daniel	Holmes, Z.	Patterson
Allen, John	Davis, H.	Howard	Poff
Allred	Denton	Johnson	Reed
Angly	Earthman	Jones, E.	Rodriguez
Bass, B.	Farenthold	Kaster	Salem
Beckham	Foreman	Kubiak	Santiesteban
Bigham	Gammage	Lee	Semos
Blythe	Grant	Ligarde	Stewart
Bowers	Graves	Lovell	Traeger
Braun	Hannah, John	Mengden	Truan
Caldwell	Harris	Moore, T.	Vale
Cates	Hawkins	Moreno	Ward
Clark	Haynes	Nelms	Williamson
Cole	Head	Nichols	Wolff
Craddick	Hendricks	Orr	

**Absent**

Bynum	Kilpatrick	Lewis	Smith
Davis, D.			

**Absent-Excused**

Parker, C.	Sherman
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Mr. Doran offered an amendment to the Jim Nugent amendment.

By unanimous consent, Mr. Doran withdrew his amendment.

Mr. Blythe offered the following amendment to the Jim Nugent amendment:

Amend the amendment to HJR 18, Article III, Section 24, Part (1) following the words "officers or employees of the State."

Four (4) members shall be appointed by the Governor without the advice and consent of the Senate, two (2) of whom shall be the state chairman and state vice-chairman of the same political party as the Governor, and two (2) of whom shall be the state chairman and the state vice-chairman of the party receiving the second highest number of votes in the last gubernatorial election.

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table the amendment by Mr. Blythe prevailed by the following vote:

Yeas—131

Adams	Doyle	Kaster	Rosson
Agnich	Dramberger	Kilpatrick	Salem
Allen, Joe	Farenthold	Kost	Salter
Allred	Finck	Kubiak	Sanchez
Angly	Finnell	Lemmon	Santiesteban
Atwell	Finney	Lewis	Schulle
Baker	Floyd	Ligarde	Semos
Bass, T.	Foreman	Lombardino	Shannon
Beckham	Gammage	Longoria	Short
Bigham	Garcia	Lovell	Silber
Blanton	Golman	McAlister	Simmons
Boyle	Grant	McKissack	Slack
Braecklein	Graves	Moore, A.	Slider
Braun	Hale	Moore, G.	Solomon
Burgess	Hanna, Joe	Moreno	Spurlock
Bynum	Hannah, John	Murray	Stewart
Caldwell	Harding	Nabers	Stroud
Calhoun	Harris	Nelms	Swanson
Carrillo	Hawn	Neugent, D.	Tarbox
Cates	Haynes	Newton	Traeger
Cavness	Head	Niland	Truan
Christian	Heatly	Nugent, J.	Tupper
Clark	Hendricks	Ogg	Uher
Clayton	Hilliard	Orr	Vale
Coats	Holmes, T.	Parker, W.	Von Dohlen
Cobb	Holmes, Z.	Patterson	Ward
Cole	Howard	Pickens	Wayne
Craddick	Hubenak	Poerner	Wieting
Daniel	Hull	Poff	Williams
Davis, D.	Johnson	Presnal	Williamson
Davis, H.	Jones, D.	Price	Wolff
Denton	Jones, G.	Reed	Wyatt
Doran	Jungmichel	Rodriguez	

**Nays—8**

Blythe	Earthman	Jones, E.	Mengden
Bowers	Hawkins	Lee	Nichols

**Absent**

Allen, John	Bass, B.	Ingram	Moore, T.
Atwood	Cruz	Moncrief	Smith

**Absent-Excused**

Parker, C.	Sherman
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Mr. Grant Jones offered the following amendment to the Jim Nugent amendment:

Amend Section 1, line 16, of the Nugent substitute following the sentence ending "1971" by adding:

All appointments after the initial appointments shall be for terms of four (4) years.

The amendment was adopted without objection.

Mr. Angly offered the following amendment to the Jim Nugent amendment:

Amend the Nugent amendment to HJR 18 by deleting from the last sentence of Paragraph (5), Section 24 the words "by resolution of both Houses" and substituting therefor the words "by constitutional amendment duly submitted to the voters of Texas at the next following general election."

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table the amendment by Mr. Angly prevailed by the following vote:

**Yeas—118**

Adams	Carrillo	Foreman	Hubenak
Allen, Joe	Cates	Gammage	Hull
Allen, John	Cavness	Garcia	Ingram
Atwell	Clark	Golman	Johnson
Atwood	Clayton	Grant	Jones, D.
Baker	Coats	Graves	Jones, G.
Bass, T.	Cobb	Hale	Jungmichel
Bigham	Cole	Hanna, Joe	Kaster
Blanton	Cruz	Harding	Kilpatrick
Boyle	Davis, D.	Harris	Kost
Braecklein	Davis, H.	Hawn	Lemmon
Braun	Doran	Haynes	Lewis
Burgess	Doyle	Heatly	Ligarde
Bynum	Finck	Hendricks	Lombardino
Caldwell	Finney	Hilliard	Longoria
Calhoun	Floyd	Holmes, T.	Lovell

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McAlister	Ogg	Semos	Traeger
McKissack	Orr	Shannon	Tupper
Moncrief	Parker, W.	Short	Uher
Moore, A.	Pickens	Silber	Vale
Moore, G.	Poerner	Simmons	Von Dohlen
Moreno	Presnal	Slack	Ward
Murray	Price	Slider	Wayne
Nabers	Reed	Smith	Wieting
Nelms	Rodriguez	Solomon	Williams
Neugent, D.	Rosson	Spurlock	Williamson
Newton	Salter	Stewart	Wolff
Nichols	Sanchez	Stroud	Wyatt
Niland	Santiesteban	Swanson	
Nugent, J.	Schulle	Tarbox	

**Nays—28**

Agnich	Christian	Finnell	Kubiak
Allred	Craddick	Hannah, John	Lee
Angly	Daniel	Hawkins	Mengden
Bass, B.	Denton	Head	Patterson
Beckham	Dramberger	Holmes, Z.	Poff
Blythe	Earthman	Howard	Salem
Bowers	Farenthold	Jones, E.	Truan

**Absent**

Moore, T.

**Absent-Excused**

Parker, C.              Sherman

Mr. Doran offered the following amendment to the Jim Nugent amendment:

Amend the Nugent amendment to HJR 18 by adding the following sentence after the last sentence of Section 24(5) of Section 1, said sentence to read as follows: "all votes on resolutions shall show the individual votes in the respective journals of both Houses."

The amendment was adopted without objection.

The amendment by Mr. Jim Nugent, as amended, to HJR 18 was adopted.

**LEAVE OF ABSENCE**

The following Member was granted leave of absence for the remainder of today on account of important business:

Mr. Bynum on motion of Mr. Christian.

**HJR 18—(Consideration continued)**

HJR 18, as amended, was passed by the following vote:

## Yeas—129

Adams	Earthman	Kost	Salter
Allen, Joe	Finck	Lemmon	Sanchez
Allred	Finnell	Lewis	Santiesteban
Atwell	Finney	Ligarde	Schulle
Atwood	Floyd	Lombardino	Semos
Baker	Foreman	Longoria	Shannon
Bass, B.	Gammage	Lovell	Short
Bass, T.	Garcia	McAlister	Silber
Beckham	Golman	McKissack	Simmons
Blanton	Grant	Moncrief	Slack
Bowers	Graves	Moore, A.	Slider
Boyle	Hale	Moore, G.	Solomon
Braecklein	Hanna, Joe	Moreno	Spurlock
Braun	Hannah, John	Murray	Stewart
Burgess	Harding	Nabers	Stroud
Caldwell	Harris	Nelms	Swanson
Calhoun	Hawn	Neugent, D.	Tarbox
Carrillo	Haynes	Newton	Traeger
Cates	Heatly	Nichols	Truan
Cavness	Hendricks	Niland	Tupper
Christian	Hilliard	Nugent, J.	Uher
Clark	Holmes, T.	Ogg	Vale
Clayton	Holmes, Z.	Orr	Von Dohlen
Coats	Howard	Parker, W.	Ward
Cobb	Hubenak	Pickens	Wayne
Cole	Hull	Poerner	Wieting
Cruz	Ingram	Poff	Williams
Daniel	Johnson	Presnal	Williamson
Davis, D.	Jones, D.	Price	Wolff
Davis, H.	Jones, G.	Reed	Wyatt
Doran	Jungmichel	Rodriguez	
Doyle	Kaster	Rosson	
Dramberger	Kilpatrick	Salem	

## Nays—16

Agnich	Blythe	Hawkins	Lee
Allen, John	Craddick	Head	Mengden
Angly	Denton	Jones, E.	Moore, T.
Bigham	Farenthold	Kubiak	Patterson

## Absent

Smith

## Absent-Excused

Bynum	Parker, C.	Sherman
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Mr. Jim Nugent moved to reconsider the vote by which HJR 18 was passed and to table the motion to reconsider.

The motion to table prevailed.

## REASON FOR VOTE

February 1, 1971

I have voted against HJR 18 as amended for the following reasons:

1. An ethics bill without provision for financial disclosure is meaningless,
2. I prefer a statutory Ethics Bill, believing a Constitutional Amendment is unnecessary and uncalled for,
3. Legislative salaries should not be included in the Ethics Bill or a Constitutional Amendment,
4. I am confident that a meaningful Ethics Bill with provisions for financial disclosure will pass the House this session.

Signed: Tom Moore, Jr.

## REASON FOR VOTE ON HJR 18

I opposed HJR 18 because it amounted to no more than a pay raise for legislative members, to be set by a Commission and taking away from the people the right to determine the pay scale of legislators.

There is no person more interested in an ethics code than I; however, I think the House of Representatives should have the courage to pass by statute an ethics code. To create a new Commission with new employees, more office space, more expense is not what the people want—the people do not want more bureaucracy, they want more principled representatives in public office.

Signed: Walter Mengden

## REASONS FOR VOTING AGAINST HJR 18

- (1) It does not provide for disclosure of income or source as an ethics bill.
- (2) It sets up an ethics committee of whom I disagree as to its composure.
- (3) It addresses itself in the realm of a Constitutional Amendment only in the area giving the committee the authority to recommend a figure for Legislative salary; thus removing this privilege from the direct control of the people and placing it in the indirect hands of the Legislature.

Signed: John R. Bigham,  
District No. 37  
Bell County

## REASON FOR VOTE ON HJR 18

I voted No on HJR 18 because it takes away a basic right of the people in the Constitution and conveys this right to a commission. No financial disclosure is in the contents of the bill and no code of ethics bill can be effective unless this is brought into an ethics code.

Signed: Dan Kubiak



## REASON FOR VOTE ON HJR 18

An ethics bill does not require a Constitutional Amendment. It can and should be done through a normal bill. I understand that such a bill will soon come before the House. I opposed HJR 18 because it amounted to no more than a pay raise for Legislative Members.

Signed: Edmund Jones

## REASON FOR VOTES—HJR 18

Our votes against the adoption of HJR 18, as amended, is the result of our analysis of this measure as being nothing more than a subterfuge to obtain a legislative pay increase. We firmly support passage of a strong ethics bill and a strong, thorough, full disclosure law; however, we believe that legislative pay raises should be subject to the direct control of the voters of Texas.

Signed: Maurice Angly, Jr.  
Fred J. Agnich

## REASON FOR VOTING AGAINST HJR 18

I voted against submitting HJR 18 to the people of Texas because it is supposed to be an ethics amendment but it is actually a ruse to take legislative salaries out of the Constitution and out of the hands of the people. I do not believe the people of District 26 want this done.

Signed: Jack R. Hawkins

## REASON FOR VOTE ON FINAL PASSAGE OF HJR 18

I voted against HJR 18 because it amounted to no more than a means to get a pay raise for the Members of the Legislature.

Signed: Craddick

## REASON FOR VOTING AGAINST HJR 18

I am strongly in favor of an effective code of ethics for the Texas Legislature and other state officials. In my estimation, the author is taking advantage of a dark hour in Texas history to take away the right of Texas citizens to determine the salary for the Members of the Legislature. All this legislation does is to whitewash the membership of the Legislature. There is another bill that will be introduced which will provide an effective code of ethics and I shall vote for it in its original form.

Signed: Blythe

## REASON FOR VOTE ON HJR 18

I voted against the Nugent Resolution-HJR 18, proposing to establish an Ethics Commission because the matter we had before us was statutory and should be handled in such a manner. The only rationale that I can find to put this into the Constitution is because of the provisions regarding pay raises. And if this is what we are about we should say it openly and not link it to a Code of Ethics.

Signed: Frances Tarlton Farenthold

## REASON FOR VOTING—HJR 18

The Texas House of Representatives must give serious consideration to comprehensive ethics legislation, not an open-ended Ethics Commission. I am sure a strong code of ethics will pass this session.

HJR 18 does not require a full financial disclosure of elected state officials. Unless this is included, a code of ethics is almost meaningless.

The salary of members of the Texas Legislature should be set by the people of Texas—not by a commission.

For these reasons, I voted No on passage of HJR 18.

Signed: Lane Denton

## HJR 7 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HJR 7, A Joint Resolution proposing an Amendment to Sections 2 and 5, Article VII, Constitution of the State of Texas, relating to the classification of proceeds from leases and royalties of public school lands and lands which are a part of the permanent school fund.

The resolution was read second time.

Mr. Semos offered the following committee amendment to HJR 7:

## Committee Amendment No. 1

Amend HJR 7 by inserting the phrase "except as provided in subsection (b) of this section" on line 22 after the word "same."

Committee Amendment No. 1 was adopted.

Mr. Semos offered Committee Amendment No. 2 to HJR 7.

By unanimous consent, Mr. Semos withdrew the amendment.

Mr. Cavness offered the following amendment to HJR 7:

Amend Section 2 of HJR 7 by substituting "May 18, 1971," for the first Tuesday after the first Monday in November, 1972, on line 54, page 1 and line 1, page 2.

The above amendment was adopted without objection.

HJR 7, as amended, was passed by the following vote:

Yeas—114

Adams	Atwell	Bass, T.	Bowers
Agnich	Atwood	Beckham	Boyle
Allen, John	Baker	Bigham	Braecklein
Angly	Bass, B.	Blanton	Burgess

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Calhoun	Hanna, Joe	Lovell	Shannon
Carrillo	Harding	McAlister	Short
Cates	Hawkins	McKissack	Silber
Cavness	Hawn	Moncrief	Simmons
Christian	Heatly	Moore, A.	Slack
Clark	Hendricks	Moore, G.	Slider
Clayton	Hilliard	Moreno	Solomon
Coats	Holmes, T.	Murray	Spurlock
Cobb	Holmes, Z.	Nabers	Stewart
Craddick	Howard	Nelms	Swanson
Cruz	Hubenak	Neugent, D.	Tarbox
Daniel	Hull	Nugent, J.	Traeger
Davis, H.	Ingram	Ogg	Tupper
Denton	Johnson	Orr	Uher
Doran	Jones, D.	Parker, W.	Vale
Doyle	Jones, E.	Pickens	Von Dohlen
Dramberger	Jungmichel	Poff	Ward
Earthman	Kaster	Presnal	Wayne
Finck	Kost	Reed	Wieting
Finnell	Kubiak	Rosson	Williams
Floyd	Lee	Salter	Williamson
Foreman	Lemmon	Sanchez	Wolff
Garcia	Lewis	Santiesteban	Wyatt
Golman	Ligarde	Schulle	
Grant	Lombardino	Semos	

## Nays—32

Allen, Joe	Finney	Jones, G.	Patterson
Allred	Gammage	Kilpatrick	Poerner
Blythe	Graves	Longoria	Price
Braun	Hale	Mengden	Rodriguez
Caldwell	Hannah, John	Moore, T.	Salem
Cole	Harris	Newton	Smith
Davis, D.	Haynes	Nichols	Stroud
Farenthold	Head	Niland	Truan

## Absent-Excused

Bynum	Parker, C.	Sherman
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Mr. Cavness moved to reconsider the vote by which HJR 7 was passed and to table the motion to reconsider.

The motion to table prevailed.

## PROVIDING FOR ADJOURNMENT

Mr. Atwell moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the House adjourn until 11:00 a.m. tomorrow.

The motion prevailed without objection.

## SCR 11—REFERRED TO COMMITTEE

(Providing for a committee to appoint a Poet Laureate of the State of Texas)

The Speaker laid before the House the following resolution:

SCR 11

Whereas, There is a close connection between the long growth of civilization and the development of literature; and

Whereas, It has been customary in all ages for governments to recognize this relation by elevating the poet to the same plane as a statesman and military leader; and

Whereas, The recognition of outstanding poets in this State and their elevation to places of honor will have a wholesome and beneficial effect on literature in this State; and

Whereas, The Legislature of the State of Texas has for several sessions established the policy sought by this Resolution to be continued; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That there shall be named a committee of five (5) to appoint and designate some outstanding and recognized poet who is a citizen of Texas, who shall be Poet Laureate of the State of Texas for the year beginning May 1, 1971, and ending April 30, 1972, and a Poet Laureate with like qualifications to be designated for the year beginning May 1, 1972, and ending April 30, 1973; that said committee shall consist of two (2) Members of the Senate to be named by the Lieutenant Governor, two (2) Members of the House to be named by the Speaker, and the said committee shall meet with the Governor who is hereby designated as the fifth member of the committee; or if the Governor does not serve, he is hereby authorized to designate the fifth member of the committee.

The resolution was referred to the Committee on Resolutions and Interim Activities.

SCR 13—REFERRED TO COMMITTEE

(Providing for a Joint Session of the Legislature to honor the wives and families of our prisoners of war)

The Speaker laid before the House the following resolution:

SCR 13

Whereas, There is great concern among public officials and all the people of this State for the welfare and safety of prisoners of war in Southeast Asia and for those who must remain at home, the wives and children of these men, their mothers and fathers, who anxiously await news from Hanoi, from the Paris peace table, hoping that soon their loved ones will be brought back to home and family; and

Whereas, The valor of the men confined in the prison camps and the fortitude of their families enduring the stress of uncertainty have called forth the compassion and admiration of all Texans for these great Americans who are giving so much for their country and their ideals of liberty; and

Whereas, To give public expression to the appreciation which citizens of Texas have for our prisoners of war in Southeast Asia and their families, the Honorable Ben Barnes, Lieutenant Governor, and the Honorable Gus F. Mutscher, Speaker of the Texas House of Representatives, have issued invitations on their behalf and for the entire Texas Legislature to a host of distinguished Texans to join with the Members of the 62nd Legislature in honoring the wives and families and friends of prisoners of war in Southeast Asia; and

Whereas, Invitations have been sent to all statewide elected officials, including the Governor of Texas and United States Senators; to Members of the United States House of Representatives; to all heads of State agencies and commissions; to former Governors, Lieutenant Governors, and Speakers of the Texas House of Representatives; to leaders in all military installations in Texas and to leaders of the Texas National Guard; to outstanding representatives of the clergy in Texas—Protestant, Catholic, and Jew; and to numerous business leaders in Texas; now, therefore, be it

Resolved, by the Senate of the 62nd Legislature of the State of Texas, the House of Representatives concurring, That the two Houses of the Legislature be convened in Joint Session on Friday, February 12, 1971, at 2:30 p.m., for the purpose of honoring the wives and families of our prisoners of war in Southeast Asia; and, be it further

Resolved, That this Resolution and the Joint Session of the 62nd Legislature for which it provides shall stand as a tribute to the valiant Texas men now held in prisoner-of-war camps and to their courageous families, the honored guests of the 62nd Legislature of the State of Texas.

The resolution was referred to the Committee on House Administration.

#### SENATE BILLS ON FIRST READING

The following Senate Bills were today laid before the House, read first time and referred to Committees, as follows:

SB 2 to the Committee on Higher Education.

(Mr. Braun in the Chair)

SB 23 to the Committee on Elections.

SB 24 to the Committee on Elections.

SB 64 to the Committee on School Districts.

SB 110 to the Committee on Elections.

#### HCR 22—REFERRED TO COMMITTEE

(Urging the Texas Industrial Commission to provide assistance to the small businessman)

Mr. Finney offered the following resolution:

## HCR 22

Whereas, It is the intent of the Legislature of the State of Texas to do everything within its power and scope of activities to encourage the economic growth of Texas, as authorized under Article XVI, Section 56, of the Texas Constitution; and

Whereas, The 56th Session of the Texas Legislature determined that the Texas Industrial Commission shall be the agency to promote and encourage the prosperous development of Texas business, industry, agriculture, and commerce, develop an effective business information service for the assistance of business and industry of the state, and promote and encourage the maintenance and expansion of existing business; and

Whereas, Current estimates of the Texas Industrial Commission show that approximately 80 percent of the growth of industry in Texas results from the expansion of existing industry, and it behooves the state to involve itself in a program to strengthen the growth potential of existing industry; and

Whereas, A report proposing direct management assistance for the small manufacturer of Texas was prepared for the Texas House of Representatives, as authorized by HSR 35 of the 60th Legislature, 1st Called Session, by Ernest W. Walker, Professor of Finance, The University of Texas at Austin, and Charles L. Kight, Research Assistant, The University of Texas at Austin; and

Whereas, The 62nd Session of the Texas Legislature is cognizant that the success of small businessmen is of vital importance to every region of the state; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature, the Senate concurring, That the Texas Legislature hereby urge the Texas Industrial Commission to promote the success of the small businessman, and specifically those engaged in manufacturing, by providing a source of qualified assistance to aid the small firm with adequate management talent and to set up a program of Direct Management Assistance for the Small Manufacturer of Texas.

The resolution was referred to the Committee on Business and Marketing Affairs.

## HSR 57—REFERRED TO COMMITTEE

(Providing for a special House committee to make certain investigations)

Mr. Angly offered the following resolution:

## HSR 57

Creating a Special House Committee to investigate the actions of the State Treasurer and State Depository Board relative to the deposit of state funds at the Sharpstown State Bank, Houston, Texas; investigate loans made by the Sharpstown State Bank to Governor Preston Smith, Democratic State Chairman Elmer Baum, Speaker of the House Gus Mutscher, Representative Tommy Shannon, and others; to ascertain whether other elected and/or appointed officials of the State received loans from the Sharpstown State Bank and to report to the Legislature what new legislation, if any, may be needed to correct such abuses, if any, as may be found.

Whereas, During the last seven months of 1968 an additional 3.32 million dollars in state funds were deposited in the Sharpstown State Bank in Houston, Texas; and

Whereas, Such deposits during this period brought the total state deposits at the Sharpstown State Bank to \$10,034,875.00; and

Whereas, Of the said \$10,034,875.00, the sum of \$4,034,875.00 was placed in a noninterest bearing demand account yielding no revenue to the State; and

Whereas, Of the said \$10,034,875.00 the sum of \$6,000,000.00 was placed in a time account yielding only 6% to the State; and

Whereas, The effective rate of interest being earned by the State of Texas upon its total deposit was only 2.9% during the period of more than two years when such \$10,034,875.00 was on deposit at the Sharpstown State Bank; and

Whereas, From the records of the Sharpstown State Bank as reflected by various annual statements of condition issued by the said bank, it would appear probable that such state funds were loaned by the bank at interest rates of 7% to 9% resulting in profits to the Sharpstown State Bank of approximately ½ million dollars (\$500,000.00) per year throughout this period; and

Whereas, State funds remained on deposit at the bank until the 21st day of January, 1971; and

Whereas, During this period the State of Texas could have received approximately twice as much interest by investing in U.S. Treasury bonds or in Certificates of Deposit; and

Whereas, The deposit of \$10,034,875.00 in the Sharpstown State Bank comprises the largest deposit of state funds in any of the 66 nondistrict banks in Houston, Texas; and

Whereas, Such deposit was disproportionately larger than the deposits made by the banks in other nondistrict banks in the Houston area; and

Whereas, During this period, such \$10,034,875.00 deposit of state funds comprised 1/7th of the total deposits of the said Sharpstown State Bank; and

Whereas, During this period, the Sharpstown State Bank made large unsecured loans to Governor Preston Smith, Speaker of the House Gus Mutscher, Representative Tommy Shannon, Democratic State Chairman Elmer Baum, and others; and

Whereas, Such loans were utilized by the Governor, Speaker, Representative Shannon, Democratic State Chairman Baum to purchase certain shares of common stock by National Bankers Life Insurance Company, which purchases and which company and said banks are currently under investigation by the Securities Exchange Commission of the United States Government; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby create a Special House Committee to:

(1) investigate the actions of the Treasurer of the State of Texas, Jesse James, relative to the said deposits made at the Sharpstown State Bank

(2) investigate the actions of the State Depository Board relative to such deposits of state funds at the Sharpstown State Bank

(3) ascertain whether or not other Members of the Legislature, elected state officials, and/or appointed officials of the State of Texas secured loans from the Sharpstown State Bank during the period Oct. 28, 1968, to date

(4) ascertain, in the event that loans were made to other Members of the Legislature, other elected officials, and/or any appointed state officials, the purpose for which these loans were made

(5) ascertain what new legislation, if any, is necessary to prevent abuses of discretion by the Treasurer, if any are found to have occurred, in the future

(6) ascertain what new legislation, if any, is necessary to prevent abuses of discretion by the State Depository Board, if any are found to have occurred, in the future; further, be it

Resolved, That said investigative committee be composed of nine Members of the House of Representatives to be elected by the House of Representatives sitting as a Committee of the Whole; and, be it further

Resolved, That the said investigation shall organize and begin to work immediately to conduct the investigation above outlined and in furtherance to its investigation be authorized to employ such investigative and clerical staff as the House sitting as a Committee of the Whole shall find reasonably necessary to the proper conduct of the investigation; and, be it further

Resolved, That the said committee shall have full subpoena power, both as to persons and records; and, be it

Resolved, That the Senate Committee shall report their findings of its investigation and activities to the House of Representatives upon a biweekly basis, the first such report to be made two weeks following the organization of the said committee with subsequent reports at two week intervals thereafter; and, let it further be

Resolved, That each Member of the House shall be given a copy of each such preliminary report and a copy of the final report; and, be it further

Resolved, That all investigative and hearings of any type of the said committee shall be open to the public and to the press; and, be it further

Resolved, That the committee shall post in accordance with the rules and customs of the House notice of all hearings and meetings both investigative and otherwise, at least 24 hours prior to such hearings and meetings, such notice to state the time and place of each such hearing and/or meeting.

The resolution was referred to the Committee on Rules.

#### HSR 59—REFERRED TO COMMITTEE

(Creating a special interim Committee on Historical Preservation)



Mr. McAlister offered the following resolution:

HSR 59

Whereas, On August 14, 1970, the Speaker of the Texas House of Representatives appointed the Special Committee on Historical Preservation; and

Whereas, The Speaker charged the committee to survey the status of the historical resources of Texas in order to determine the best possible utilization of these resources and to assist the efforts of historical organizations already taking part in the preservation and revitalization of Texas history; and

Whereas, Over a five month period, the committee, in collaboration with other historical organizations, has completed a large part of its survey, has arrived at significant findings, and has proposed a number of recommendations for legislative and administrative action, which, if carried out effectively, would go far in achieving the goals of the committee; and

Whereas, Although the committee has made considerable progress, the magnitude of the work involved and the limitation on time in which to complete it have prevented the committee from completing the definitive study which should be made pertaining to the preservation, restoration, interpretation, and publication of the vast historical resources in Texas; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature of the State of Texas hereby create a new Special Committee on Historical Preservation composed of 15 members, to be appointed by the Speaker, and including both legislators and private citizens of Texas who have demonstrated an interest in the preservation of the historical resources of this state; and, be it further

Resolved, That the committee shall begin to function immediately after the appointment of its members and that it shall continue its work during the interim following the adjournment of the regular session of the 62nd Legislature; and, be it further

Resolved, That the staff of the Texas Legislative Council be and it is hereby requested to assist the committee in its study; and, be it further

Resolved, That the actual expenses and other necessary expenses of operation of the committee, both legislative and citizen members, shall be paid from the Contingent Expense Fund of the House of Representatives; that the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures shall be obtained from the House Administration Committee; and, be it further

Resolved, That this committee shall make its complete report, including findings and recommendations for policy changes and drafts of any proposed legislation to the 63rd Legislature at its regular session in January, 1973, and that five copies of the completed study shall be filed in the Legislative Reference Library and five copies filed in the office

of the Texas Legislative Council. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

#### HSR 60—REFERRED TO COMMITTEE

(Inviting certain officials to appear before the House of Representatives)

Mr. Caldwell offered the following resolution:

##### HSR 60

Whereas, In the last several weeks charges of a most serious nature have been made against high public officials relating to their conduct, suggesting private gain involving, at least, a transgression of accepted moral standards, if not criminal violations; and

Whereas, These charges have created an atmosphere of suspicion and mistrust wholly inconsistent with the relationships necessary for the Legislature to discharge its function and meet its responsibilities during the Sixty-second Regular Session; and

Whereas, The people of Texas are deeply concerned because of the numerous newspaper articles, radio and television newscasts; and

Whereas, The public officials charged, either directly or indirectly, with impropriety have neither had a forum nor an opportunity to fully and forthrightly tell the facts and place them before the House of Representatives and the people, thereby giving them an opportunity to restore confidence in the minds of the Members of the House of Representatives and the people we serve; now, therefore, be it

Resolved, That the House of Representatives invite Governor Preston Smith, Speaker Gus Mutscher, Chairman Dr. Elmer Baum, Chairman Waggoner Carr, Representative Tommy Shannon, and Representative W. S. Heatly to appear before the membership to make full and complete statements about the events giving rise to the atmosphere so detrimental to our function and to the people of Texas.

Signed: Caldwell, Reed, Mengden, Kubiak, Graves, Bigham, John Hannah, Earthman, Harris, Farenthold, Braun, Patterson, Tom Moore, and Bill Bass.

The resolution was referred to the Committee on House Administration.

#### HSR 65—REFERRED TO COMMITTEE

(Creating a special interim committee to make a study of the Volunteer Firemen's Pension Plan)

Mr. Adams offered the following resolution:

##### HSR 65

Whereas, There are 14,800 Volunteer Firemen in the State of Texas who risk their lives daily in dedication to their fellow citizens; and

Whereas, Most of these heroic men are members of the Volunteer Firemen's Pension Plan, which handles thousands of dollars every month; and it seems advisable at this time to study this pension plan with a view of determining policies in the administration of these funds, and whether or not the plan is fiscally sound; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature, Regular Session, hereby create a special interim committee to make a study of the Volunteer Firemen's Pension Plan for the State of Texas; and, be it further

Resolved, That the committee investigate, examine, and present an understandable synopsis of workings, deficiencies, and problems of the Volunteer Firemen's Pension Fund; and, be it further

Resolved, That the committee shall be composed of five Members of the House of Representatives, to be appointed by the Speaker of the House; and, be it further

Resolved, That the committee be provided with subpoena powers and that the staff of the Texas Legislative Council provide assistance at the request of the chairman; and, be it further

Resolved, That actual expenses and other necessary expenses of operation of the committee, shall be paid from the Contingent Expense Fund of the House of Representatives, that the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and that no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures shall be obtained from the House Administration Committee; and, be it further

Resolved, That this committee shall make its complete report, including findings and recommendations as to how this fund can be made more actuarially sound and beneficial to retired and retiring Volunteer Firemen of the State of Texas, together with drafts of any proposed legislation to the 63rd Legislature at its regular session in January, 1973, and that five copies of the completed study shall be filed in the Legislative Reference Library, and five copies filed in the office of the Texas Legislative Council. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

Signed: Adams and Jim Nugent.

The resolution was referred to the Committee on Resolutions and Interim Activities.

#### HSR 68—REFERRED TO COMMITTEE

(Directing the State Board of Insurance to investigate Crum and Forster Insurance Companies)

Mr. Salem offered the following resolution:

#### HSR 68

Whereas, The standard fire and extended coverage insurance policy prescribed for use in Texas by the State Board of Insurance requires that

the insurer give the insured at least five days' notice before policy cancellation; and

Whereas, Following the recent hurricane destruction in the City of Corpus Christi and elsewhere along the Texas Gulf Coast, certain insurers callously disregarded this contractual undertaking; and

Whereas, Certain of these insurers required that insurance policies be returned to the company as a condition to payment of just claims, even though many of these claims payments were for a small portion of insured valuation of the property; and

Whereas, The Crum and Forster Insurance Companies were the primary perpetrators of this practice, despite repeated protests from insureds and the State Board of Insurance; and

Whereas, The Crum and Forster Insurance Companies are still doing business in Texas; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby direct the State Board of Insurance to investigate the cancellation practices of the Crum and Forster Insurance Companies with the purpose of instituting judicial proceedings or suspending the authority to do business in Texas of these companies.

The resolution was referred to the Committee on Insurance.

#### MASCOT RESOLUTION

The following Mascot resolution was referred to the Committee on House Administration:

HSR 66, by Adams: Naming Timothy Lynn Nabers Mascot of the House.

#### HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read first time and referred to Committees, as follows:

By Cavness:

HB 261, A bill to be entitled An Act reenacting and amending Sections 1, 2 and 3 of Chapter 434, Acts of the 61st Legislature, Regular Session, 1969 (compiled as Article 802f, Vernon's Annotated Penal Code); authorizing and regulating the use and performance of chemical tests of blood, breath and urine under certain conditions of motor vehicle drivers to determine intoxication; providing for suspension or denial of the driver's license upon refusal of an arrested person to submit to chemical testing of the blood, breath or urine; providing for the testing of the blood of dead or unconscious drivers of motor vehicles; providing for an administrative hearing and judicial review; providing for the establishment of presumptive limits of blood alcohol in a person's blood, urine, breath or other bodily substances; providing for admissibility of test results as evidence; providing for the admission into evidence of a person's refusal to submit to a chemical test; providing a severability clause; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Wayne:

HB 262, A bill to be entitled An Act relating to petitions for elections on the issues of creating or abolishing the office of county superintendent or abolishing the office of ex officio county superintendent and the county school board; amending Sections 17.44 and 17.64 (a), Texas Education Code; and declaring an emergency.

Referred to Committee on Public Education.

By Wayne:

HB 263, A bill to be entitled An Act relating to the filing and execution of certain notices and certificates concerning liens upon real and personal property for taxes payable to the United States and prescribing certain fees; and declaring an emergency.

Referred to Committee on Judiciary.

By Ogg:

HB 264, A bill to be entitled An Act amending the Texas Non Profit Corporation Act to amend the articles of incorporation of private foundations to require certain distributions, prohibit certain self-dealing, prohibit excess business holdings, describe authorized investments, and prohibit certain expenditures; enacting other provisions relating to the subject; providing a severability clause; and declaring an emergency.

Referred to Committee on Judiciary.

By Ogg:

HB 265, A bill to be entitled An Act to amend the governing instruments of private foundations and nonexempt split-interest trusts to require certain distributions, prohibit certain self-dealing, prohibit excess business holdings, describe authorized investments, and prohibit certain expenditures; enacting other provisions relating to the subject; providing a severability clause; and declaring an emergency.

Referred to Committee on Judiciary.

By J. Nugent:

HB 266, A bill to be entitled An Act amending the subject matter of the Texas Unemployment Compensation Act, as amended (Articles 5221b-1 et seq, Vernon's Texas Civil Statutes), as follows: amending Section 3, providing benefits; adding a Section 4-A, providing prohibitions against denial of benefits; amending Section 5, providing disqualifications for benefits; adding a Section 6-A, providing for extended benefits; amending Section 7, providing contributions; adding Section 7-A, providing reimbursements; amending Section 8, providing duration of coverage and elections; amending Section 15, providing protection of rights and benefits; amending Section 17-A, providing reciprocal agreements; amending Section 19, providing definitions of terms and adding additional definitions of terms; providing an effective

date for this Act; providing for the repeal of all laws and parts of laws in conflict herewith and for preserving rights accrued thereunder; providing for the severability of provisions; and declaring an emergency.

Referred to Committee on State Affairs.

By Clark and Nelms:

HB 267, A bill to be entitled An Act making the offer to sell or deliver a dangerous drug a felony; making the offer to buy a dangerous drug a misdemeanor; providing penalties; amending Section 3, and Subsection (b) of Section 15, Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Clark and Nelms:

HB 268, A bill to be entitled An Act making the offer to sell a narcotic drug a felony; making the offer to buy a narcotic drug a misdemeanor; providing penalties; amending Subsection (a), Section 2, Section 2A, and subsection (a), Section 23; and adding Subsection (d) to Section 23, Chapter 169, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 725b, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Ward:

HB 269, A bill to be entitled An Act relating to the creation of a juvenile board for Johnson County; setting board membership and compensation; providing for a juvenile officer; and declaring an emergency.

Referred to Committee on Counties.

By D. Jones:

HB 270, A bill to be entitled An Act relating to materials specifications in construction and remodeling contracts entered into by the State Building Commission; amending Chapter 514, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 678m, Vernon's Texas Civil Statutes), by adding a new Section 5a; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Lemmon:

HB 271, A bill to be entitled An Act amending Article 1970, Revised Civil Statutes of Texas, 1925, relating to the jurisdiction of county courts at law; and declaring an emergency.

Referred to Committee on Judiciary.

By Lemmon:

HB 272, A bill to be entitled An Act allowing tax-free sales of motor

fuel to the state and its political subdivisions; providing for refunds of motor fuel tax paid by the state and its political subdivisions; amending Section (1), Article 9.03, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925; amending Sections (1) and (3), Article 9.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925; amending Section (3), Article 9.13 of Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925; amending Subsection (a) Section (8) Article 9.13, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Murray:

HB 273, A bill to be entitled An Act to amend Chapter 840, Acts of the 61st Legislature, 1969, (Article 1528f, Vernon's Texas Civil Statutes), the Texas Professional Association Act; and declaring an emergency.

Referred to Committee on Judiciary.

By Lemmon:

HB 274, A bill to be entitled An Act providing for private management of city-owned street transportation systems, amending Chapter 505, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 1118w, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Urban Affairs.

By Hale, Salem, Truan, Farenthold, and Wieting:

HB 275, A bill to be entitled An Act creating and establishing in Corpus Christi, Nueces County, Texas, a fully state-supported, coeducational institution of higher learning, to be known as the University of South Texas; establishing a Board of Regents and providing for its appointment, tenure and authority; prescribing the powers of the Board of Regents; providing for the collection of fees and the acceptance of gifts and donations; providing that general laws affecting other state institutions of higher learning, not in conflict with this Act, shall apply to and govern the University of South Texas; authorizing contracts for courses in military training; providing that the several sections of this Act shall be severable; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

Referred to Committee on Higher Education.

By Braun:

HB 276, A bill to be entitled An Act amending Section 4.03, Subchapter D, Texas Clean Air Act, as amended (Article 4477-5, Vernon's Texas Civil Statutes), relating to enforcement by local governments; and declaring an emergency.

Referred to Committee on State Affairs.

By Braun, Harris, Vale, Ligarde, Nichols, Bigham, and Golman:

HB 277, A bill to be entitled An Act relating to the amount of capital

stock and surplus certain insurance companies must have in order to incorporate; amending Section 1, Article 3.02, Texas Insurance Code, as amended; and declaring an emergency.

Referred to Committee on Insurance.

By Slack:

HB 278, A bill to be entitled An Act establishing the Higher Education Facilities Bond Program of 1971; amending Section 1, Chapter 763, Acts of the 61st Legislature, Regular Session, 1969 (Article 2909c-3, Vernon's Annotated Civil Statutes of Texas); clarifying the institutions for which revenue bonds can be issued pursuant to preexisting law to include specifically medical, dental, biomedical, and other institutions; authorizing the Board of Regents of Texas Tech University (acting separately and independently for and on behalf of Texas Tech University and separately and independently for and on behalf of the Texas Tech University School of Medicine at Lubbock) and the Board of Regents of The University of Texas System each to issue revenue bonds and to pledge to the payment of such bonds certain student tuition charges, for the purpose of providing funds for the acquisition, purchase, construction, improvement, enlargement, and/or equipping of property, buildings, structures, and facilities for certain designated institutions of higher education; providing that this Act is cumulative of other laws on the subject; providing for severability; and declaring an emergency.

Referred to Committee on Appropriations.

By Hale:

HB 279, A bill to be entitled An Act amending the Texas Education Code to incorporate the Acts passed during the Regular Session and 2nd Called Session of the 61st Legislature and coming within the scope of the Code; repealing the acts incorporated into the Code; providing an effective date; and declaring an emergency.

Referred to Committee on Public Education.

By Williams, Traeger, and Golman:

HB 280, A bill to be entitled An Act relating to reemployment of persons called to active duty with the State Military Forces in an emergency; amending Article 5765, Revised Civil Statutes of Texas, 1925, as amended, to add Section 7A; and declaring an emergency.

Referred to Committee on Military Affairs.

By Finney and Golman:

HB 281, A bill to be entitled An Act relating to death or disablement pension benefits of firemen from heart or lung disease; and declaring an emergency.

Referred to Committee on Urban Affairs.



By Salem:

HB 282, A bill to be entitled An Act relating to the ownership and display of certain artifacts and treasures; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Lombardino, Simmons, Kost, Finck, Silber, Dramberger, Floyd, Vale Wolff, and Johnson:

HB 283, A bill to be entitled An Act relating to a change in the method of computing deductions from wages and pensions for members of certain firemen and policemen's pension funds in certain cities; amending Sections 4, 8(a), 10, 11, 13, and 19, and Subsection (a), Section 15, Chapter 105, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6243f, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Urban Affairs.

By Cobb, Finck, W. Parker, Caldwell, Poerner, and Bynum:

HB 284, A bill to be entitled An Act relating to the inoculation or vaccination of persons attending public schools or state-supported institutions of higher education; amending Section 2.09, Texas Education Code; and declaring an emergency.

Referred to Committee on Public Health.

By Braecklein:

HB 285, A bill to be entitled An Act authorizing the Board of Regents of The University of Texas System to acquire by purchase, exchange, gift, or otherwise certain properties to be used for campus expansion and university purposes in The University of Texas System; vesting title in the Board of Regents of The University of Texas System; repealing Subdivision 2 of Section 1 of Chapter 73, Acts of the 60th Legislature, Regular Session, 1967, relating to the acquisition of land in Dallas County, Texas, by the Board of Regents of The University of Texas System; providing that this Act shall be cumulative; providing for severability; repealing all laws in conflict; and declaring an emergency.

Referred to Committee on Higher Education.

By Harris:

HB 286, A bill to be entitled An Act relating to the official shorthand reporters of the 10th, 56th, and 122nd Judicial Districts of Texas; reenacting and amending Acts of the 55th Legislature, 2nd Called Session, 1957, Chapter 12, by fixing the maximum and minimum salary and method of determining same, and by fixing the fee for transcript; and declaring an emergency.

Referred to Committee on Counties.

By Harris:

HB 287, A bill to be entitled An Act relating to the term of office of

Supervisors of the Bayview Municipal Utility District of Galveston County, Texas; amending Chapter 245, Acts of the 58th Legislature, 1963 (Article 8280-287, Vernon's Texas Civil Statutes), by adding Section 3A; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Clark and Nelms:

HB 288, A bill to be entitled An Act relating to the cancellation of policies by the insurer of motor vehicle insurance against liability; amending the Texas Insurance Code by adding Article 5.06-3; and declaring an emergency.

Referred to Committee on Insurance.

By Clark and Nelms:

HB 289, A bill to be entitled An Act relating to the cancellation or renewal of certain motor vehicle insurance policies; amending the Texas Insurance Code by adding Article 5.06a; and declaring an emergency.

Referred to Committee on Insurance.

By Jungmichel:

HB 290, A bill to be entitled An Act amending the Uniform Wildlife Regulatory Act (Article 978j-1, Vernon's Annotated Penal Code) to repeal the limitation for Colorado County in Section 3; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By C. Parker and Atwell:

HB 291, A bill to be entitled An Act relating to the taxation and regulation of certain coin-operated machine businesses; amending Chapter 13, Title 122A Taxation-General, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Caldwell and Hubenak:

HB 292, A bill to be entitled An Act relating to the compensation of the judge of the 149th Judicial District; amending Sections 2.006 and 3.027 of the Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Hale:

HB 293, A bill to be entitled An Act relating to the power of the courts to exercise their jurisdiction, enforce their orders, control their proceedings, and punish for contempt; providing conforming amendments and repeals; and declaring an emergency.

Referred to Committee on Judiciary.

By Williams, Kubiak, Jungmichel, McAlister, Cavness, Ligarde, Braun, Hale, Finck, Newton, Golman, J. Nugent, Vale, Rodriguez, Solomon, Silber, A. Moore, Salem, C. Parker, Gammage, Nelms, Ogg, Farenthold, Reed, Hubenak, Graves, T. Bass, Hilliard, Blanton, Z. Holmes, Nichols, Sanchez, McKissack, Garcia, Hawn, Rosson, Moreno, Harris, Clark, John Hannah, Beckham, Orr, Burgess, Kaster, Williamson, Cates, Joe Hanna, Craddick, Joe Allen, Cruz, B. Bass, D. Davis, John Allen, Short, Finnell, Lemmon, Earthman, Longoria, D. Neugent, Poerner, Stroud, Smith, Niland, Stewart, E. Jones, G. Moore, Hawkins, Semos, Daniel, Bynum, Allred, Truan, Hull, Spurlock, Doyle, Boyle, Caldwell, and Ingram:

HB 294, A bill to be entitled An Act amending Section 6, Chapter 6, Acts of the 43rd Legislature, 1st Called Session, 1933, as added (Article 2654b-1, Vernon's Texas Civil Statutes), relating to exemption from fees of veterans of the Cold War; and declaring an emergency.

Referred to Committee on Appropriations.

By Cobb:

HB 295, A bill to be entitled An Act relating to removing authority to issue a special combination operator and commercial operator restricted license to certain persons; amending Section 4, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Highways and Roads.

By Cobb:

HB 296. A bill to be entitled An Act relating to fixing the interest rate after the date of judgment of all judgments of the courts of this state at 10 percent; amending Article 1.05, Chapter 1, Title 79, Revised Civil Statutes of Texas, 1925, as added by Section 2, Chapter 274, Acts of the 60th Legislature, Regular Session, 1967 (Article 5069-1.05, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judiciary.

By Salem:

HB 297, A bill to be entitled An Act amending Subchapter A of Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended and reenacted, by adding a new Section (7a) to said Article 10.02; by amending Section (3) of Article 10.03 of said Subchapter; containing savings and severability clauses; repealing laws in conflict with this Act; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Cobb:

HB 298, A bill to be entitled An Act providing for the appointment by the District Judge of the 84th Judicial District of Texas, composed of the Counties of Hansford, Hutchinson, and Ochiltree, of an official shorthand reporter for such judicial district; providing his qualifications; providing that the

salary of the official shorthand reporter shall be fixed and determined by the judge of the judicial district and not otherwise; providing for the manner of payment of the salary and out of what fund; providing for transcript fees and allowance for hotel and traveling expenses; providing a saving clause; repealing Chapter 25, Acts of the 55th Legislature, 2nd Called Session, 1957 (Article 2326J-2, Vernon's Texas Civil Statutes) and Chapter 616, Acts of the 59th Legislature, Regular Session, 1965 (Article 2326J-53, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By E. Jones, Blythe, Earthman, and Bowers:

HB 299, A bill to be entitled An Act amending Articles 5.01, 5.02, 5.04, 5.05, 5.09, and 5.11, Texas Insurance Code, as amended; repealing Article 5.03, Texas Insurance Code; relating to the removal of binding motor vehicle or automobile insurance rate making authority from the Texas Insurance Board; removing the board's authority to approve certain rating plans; and declaring an emergency.

Referred to Committee on Insurance.

By Lombardino, Dramberger, Allred, Finck, Johnson, Hawn, Moncrief, Wolff, Simmons, and G. Moore:

HB 300, A bill to be entitled An Act authorizing incorporated cities, towns, and villages to adopt, by popular vote, a local sales and use tax for the benefit of policemen's and firemen's pension funds of the city, town, or village; providing a method of abolishing the tax by popular vote; providing for the administration, collection, and enforcement of the tax by the state; authorizing the Comptroller of Public Accounts to prescribe rules, regulations, and forms for the administration of this Act; requiring the Comptroller to promulgate a schedule for the joint collection of the taxes authorized by this Act, the taxes authorized by the Local Sales and Use Tax Act, if applicable, and the taxes imposed by the Limited Sales, Excise and Use Tax Act, and prescribing a formula to be used in promulgating the schedule; providing for surety bonds for the Comptroller and his staff and for the payment of premiums on the bonds; prescribing procedure in contests of elections held under this Act; providing penalties for violation of this Act; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Longoria, Salem, and Sanchez:

HB 301, A bill to be entitled An Act establishing, allocating funds for, and providing for the administration of a program to aid and enhance instruction in secular subjects in certain nonpublic schools through payment of salaries to teachers in such schools under individual service contracts entered into between such teachers and local public school districts; defining certain terms; prescribing eligibility requirements for salaries; disqualifying certain teachers; providing sick leave; requiring certain reports by certified nonpublic schools; limiting the total number of teachers in a nonpublic school who may enter into contracts hereunder; providing for evaluation of nonpublic school programs, the certification of nonpublic schools, revocation of certification under certain conditions, and for the establishment of standards of accreditation of nonpublic schools; as-

signing certain duties to the Central Education Agency and empowering that Agency to make such rules, regulations, inspections and investigations, and to require such reports, as it deems necessary for the proper administration of the program; assigning certain duties to public school districts in relation to the program and providing for their compensation; providing penalties and remedies for violations; excluding teachers compensated under this program from participation in the Teacher Retirement System of Texas, the Employees Retirement System of Texas, and other benefits accruing to state employees except as specified herein; providing that the provisions of this Act shall be severable; and declaring an emergency.

Referred to Committee on Appropriations.

By Cavness:

HB 302, A bill to be entitled An Act relating to compilation of delinquent tax records and payment of fees for services in connection therewith; amending HB 406, Acts of the 52nd Legislature, Regular Session, 1951, Chapter 181 (codified as Vernon's Annotated Civil Statutes, Article 7336f) as last amended by SB 231, Acts of the 54th Legislature, Regular Session, 1955, Chapter 226, to provide that the fee to be paid for compiling, recompiling or supplementing delinquent tax records shall not exceed twenty cents (20¢) per item or written line and that such fees be paid upon approval of record by commissioners court; repealing all laws or parts of laws in conflict herewith; making the Act cumulative of Chapter 10, Title 122, Revised Civil Statutes of Texas; providing a severability clause; and declaring an emergency.

Referred to Committee on Counties.

By Blanton, G. Moore, Hawn, Semos, Orr, Coats, Reed, Agnich, Boyle, McKissack, and Golman:

HB 303, A bill to be entitled An Act authorizing the Board of Regents of The University of Texas System to accept junior and senior level students at The University of Texas at Dallas beginning in the fall term of 1973, and to establish a four-year undergraduate program beginning in the fall term of 1975; amending Section 4, Chapter 758, Acts of the 61st Legislature, Regular Session, 1969 (Article 2606c-3.1, Vernon's Texas Civil Statutes); providing for severability; repealing all laws in conflict; and declaring an emergency.

Referred to Committee on State Affairs.

By Johnson:

HB 304, A bill to be entitled An Act creating a board to recommend payment of rewards to certain persons who have given information leading to the arrest and conviction of sellers of narcotics; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Slider:

HB 305, A bill to be entitled An Act relating to the jurisdiction of the district court for the 5th judicial district in Cass County over eminent domain proceedings; and declaring an emergency.

Referred to Committee on Judiciary.

By W. Parker:

HB 306, A bill to be entitled An Act validating special elections held under authority of Article 1154, Revised Civil Statutes of Texas, 1925, as amended, to change the form of government in cities and towns operating under the general laws, and which special elections were held on the same day as a primary election day as designated in the Election Code of the State of Texas, as amended; validating the election of city officials under the new form of government so adopted at such special elections; validating governmental proceedings; providing certain limitations as to the application of the Act; providing a nonlitigation clause; providing a saving clause; and declaring an emergency.

Referred to Committee on Elections.

By Gammage and Nelms:

HB 307, A bill to be entitled An Act amending Subsection (b), Article 10.01, Chapter 10, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-10.01, Vernon's Texas Civil Statutes), relating to the definition of deceptive trade practices in the conduct of any trade or commerce, by adding a new subparagraph (16) relating to pyramid sales plans, multi-level marketing plans, and endless chain sales plans; and declaring an emergency.

Referred to Committee on Business and Marketing Affairs.

By Atwell, Semos, Golman, and Hawn:

HB 308, A bill to be entitled An Act relating to the administration of funds by the Water Safety Services Division of the Parks and Wildlife Department; amending Subsection (c), Section 26, Chapter 179, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 1722a, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Atwell, Semos, Hawn, Golman, McKissack, and Braecklein:

HB 309, A bill to be entitled An Act relating to certificates of title for watercraft and outboard motors issued by the Parks and Wildlife Department, and to stolen or converted watercraft or outboard motors, and violations and penalties; amending the Texas Water Safety Act (Article 1722a, Vernon's Texas Penal Code) by adding Section 2b prohibiting the issuance of a certificate of number for a vessel unless a certificate of title has been issued to the owner; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Kubiak:

HB 310, A bill to be entitled An Act relating to the mode of affiliating with a political party, affiliation as a prerequisite for participating in party primaries, party conventions, and other party affairs, and restrictions on political activities outside the party with which the voter is

affiliated; containing penal provisions; amending the Texas Election Code as follows: amending Section 179a, as amended (Article 13.01a, Vernon's Texas Election Code); amending Subsection (a), Section 15, as amended (Article 3.01); amending Section 189a (Article 13.11a); amending Subdivision 2, Section 222, as amended (Article 13.45); amending Section 227, as amended (Article 13.50); amending Section 228, as amended (Article 13.51); amending Section 231 (Article 13.54); and repealing Section 226 (Article 13.49); repealing Article 240, Penal Code of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Elections.

By Atwell:

HB 342, A bill to be entitled An Act raising revenue for the support of state government; increasing the rate of the Limited Sales, Excise and Use Tax; exempting certain items contracted or bid for before the effective date; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

#### ADJOURNMENT

In accordance with a previous motion to adjourn, the House, at 5:46 p.m., adjourned until 11:00 a.m. tomorrow.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

Favorable reports on resolutions were filed by the following Committees:

Constitutional Amendments: HJR 7, HJR 15, HJR 18, HJR 19, HJR 21, SJR 5.

Engrossed and Enrolled Bills: Correctly engrossed—HCR 20.

House Administration: HCR 18, HSR 53.

#### SENT TO THE GOVERNOR

January 28, 1971

HCR 15

**In Memory of**  
**John Ben Shepperd, Jr.**

Mr. Pickens offered the following resolution:

HCR 19

Whereas, With the convening of the 62nd Legislature, Members of both Houses recall anew the sorrow that became personal to each one of us with the knowledge of the untimely death last June of the Assistant Parliamentarian of the House of Representatives of the 61st Legislature, John Ben Shepperd, Jr.; and

Whereas, John Ben, who was only 27 at the time of his death in 1970, endeared himself to all who knew him; although quiet and unassuming he had a rare quality of warmth and friendliness which made him a favorite of all those associated with the legislative processes, whether great, near great, or just plain workers; and

Whereas, This fine young man was the son of former Attorney General and Mrs. John Ben Shepperd, now of Odessa; he attended schools in Gladewater, where he was born in 1942, in Austin, and in Odessa, before enrolling in The University of Texas at Austin; he attended the University for some time and then transferred to Southwestern University at Georgetown, from which he was graduated with a BA in Business Administration; and

Whereas, Before serving as Assistant Parliamentarian of the House of Representatives of the 61st Legislature, John Ben worked in the Texas Legislative Council and had also trained as a junior executive in a nationwide motel chain; and

Whereas, This notable Texan was married to the former Mary Christiana Longoria in 1967, and the couple had one child, a daughter, Tina, who was 18 months old at the time of her father's death; and

Whereas, It is a further testimony to the great affection which John Ben called forth from all who knew him that a Texana collection to honor his memory, initiated by leaders in Texas government and outstanding Texas historians, has been established in the public library at Gladewater, and that friends



of the Shepperd family, public officials, and others throughout the state have donated books for the collection; and

Whereas, The 62nd Legislature of the State of Texas desires to pay tribute to the memory of a distinguished Texan and former officer of the Texas House of Representatives, who built a monument of friendships and pleasant memories among his friends in the brief span of years that he was allotted on this earth; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature, the Senate concurring, That this Resolution stand in recognition of an exceptional young man, a dear friend to all who knew him, John Ben Shepperd, Jr.; and, be it further

Resolved, That the Legislature extend deepest sympathy to his family on their great loss: to his wife and little daughter of Austin and Nuevo Laredo, Mexico; to his parents; to his sisters, Mrs. Thomas Lindsey (Marianne) Blanton III of Austin and Mrs. Larry E. (Suzanne) McCarver of Dallas; and to his brother, Alfred Lewis Shepperd of San Antonio; and, be it further

Resolved, That official copies of this Resolution be prepared for members of his family, and that when the two Houses of the Legislature adjourn this day they do so in tribute to and in memory of John Ben Shepperd, Jr.

The resolution was read and unanimously adopted by a rising vote.

On motion of Mr. McAlister the names of all the Members of the House were added to the resolution as signers thereof.